

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO CATTLE GROWERS'
ASSOCIATION,

Plaintiff,

v.

No. 19-CV-0988 RB/SCY

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants,

and

AMIGOS BRAVOS, NEW MEXICO
ACEQUIA ASSOCIATION, and GILA
RESOURCES INFORMATION PROJECT,

Intervening Cross-Claimants-Defendants

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Cross-Defendants.

ORDER

This matter is before the Court on the parties' Joint Motion to Stay Proceedings, filed on February 8, 2021. (Doc. 58.) The parties assert that pursuant to the Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, 86 Fed. Reg. 7037 (Jan. 25, 2021), the United States Environmental Protection Agency will begin reviewing many of the "rules promulgated in the last four years, including the [Navigable Waters Protection Rule] at issue in this case." (Doc. 58 at 8.) Because the Agency's review of this rule may alter the outcome of this lawsuit, the Court will grant the parties' motion to stay.

THEREFORE,

IT IS ORDERED that this matter is **STAYED** until **May 1, 2021**;

IT IS FURTHER ORDERED that if the Tenth Circuit rules on the *Colorado v. EPA* appeal (20-1238) before May 1, 2021, the parties will meet and confer and file a joint motion or separate proposals to further govern proceedings no later than 14 days after the decision;

IT IS FURTHER ORDERED that if the Tenth Circuit does not rule on *Colorado v. EPA* before May 1, 2021, the parties shall file a joint motion or separate proposals regarding these proceedings no later than **May 1, 2021**;

IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction (Doc. 30) is hereby **DENIED WITHOUT PREJUDICE** due to the stay. Plaintiff may refile the motion at a later date if necessary.

IT IS SO ORDERED.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE